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7  
8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 THE BANK OF NEW YORK MELLON FKA Case No. 2:17-cv-02192-JAD-(GWF)  
11 THE BANK OF NEW YORK AS TRUSTEE FOR  
12 THE CERTIFICATEHOLDERS OF THE  
13 CWALT, INC., ALTERNATIVE LOAN TRUST  
2007-OA2, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-OA2,

14 Plaintiff,

15 v.

16 NORTHGATE HOMEOWNERS ASSOCIATION;  
17 SATICOY BAY LLC, SERIES 4856 MINTURN  
AVE and NEVADA ASSOCIATION SERVICES,  
INC.,

18 Defendants.

19 **STIPULATION AND ORDER TO EXTEND**

20 **REBUTTAL EXPERT DISCLOSURE DEADLINE**

21 **(First Request)**

22 Plaintiff The Bank of New York Mellon (the “Lender”), formerly known as The Bank of  
23 New York, as Trustee for the Certificateholders of the CWALT, Inc., Alternative Loan Trust 2007-  
24 OA2, Mortgage Pass-Through Certificates, Series 2007-OA2; Defendant Northgate Homeowner  
25 Association (the “HOA”); and Defendant Saticoy Bay LLC, Series 4856 Minturn Ave (the “Buyer”)  
26 stipulate to an order extending the rebuttal expert disclosure deadline. Defendant Nevada  
27 Association Services, Inc. (“NAS”) has not appeared in this case. This is the first request to extend  
28 those deadlines.

1 The present and proposed deadlines are set forth in Section D below. The extension is  
2 necessary to accommodate the additional needed for the HOA to obtain a rebuttal expert opinion.

3 **A. DISCOVERY COMPLETED TO DATE**

4 The Rule 26(f) conference was held on October 3, 2018. Following the Rule 26(f)  
5 conference, the proposed Discovery Plan and Scheduling Order was filed on October 25, 2018 and  
6 approved by this Court on October 26, 2018. After the court's approval of the Discovery Plan and  
7 Scheduling Order, the parties exchanged initial disclosures and served written discovery requests on  
8 either the Lender or the Buyer. Around October 25, 2018, the Lender served a subpoena for  
9 documents on NAS. NAS responded to the subpoena around November 20, 2018. On January 24,  
10 2019, the Lender served its initial expert disclosure. The Buyer served their responses to the  
11 Lender's discovery requests on February 4, 2019.

12 **B. DISCOVERY THAT REMAINS TO BE COMPLETED**

13 The following discovery remains incomplete:

- 14 1. the Lender's response to the HOA's and the Buyer's written discovery requests;
- 15 2. rebuttal expert disclosures; and
- 16 3. deposition of the parties' representatives.

17 **C. REASONS WHY DEADLINE WAS NOT SATISFIED/GOOD CAUSE FOR**  
18 **REQUEST**

19 The parties have worked diligently and cooperatively to complete discovery in this matter.  
20 Notably, shortly after receiving the Lender's initial expert disclosure, the HOA has attempted to  
21 retain an appraisal expert to rebut the Lender's expert opinion. However, the HOA has encountered  
22 difficulty retaining an expert within the thirty-day timeframe for the rebuttal expert disclosure. For  
23 example, the HOA's anticipated rebuttal expert has declined involvement with this case, forcing the  
24 HOA secure a different rebuttal expert on shortened time. Good cause therefore justifies the  
25 requested extension of discovery.

26 **D. PROPOSED DISCOVERY SCHEDULE**

27 Pursuant to LR 26-4, the parties propose to extend the current deadlines and jointly submit  
28 the following to the Court:

- 1       **1. Discovery Cut-Off Date:** The current discovery cut-off date is March 25, 2019. The  
2       parties do not seek an extension of this deadline.
- 3       **2. Deadline for Amending Pleadings or Adding Parties:** The deadline for amending  
4       pleadings has passed. The parties do not seek an extension of this deadline.
- 5       **3. Rule 26(a)(2) Disclosures:** The deadline for serving initial expert disclosure deadline has  
6       passed. The parties do not seek an extension of this deadline. The current rebuttal expert  
7       disclosure deadline is February 25, 2019. The parties propose to extend such deadline by  
8       about one month, which will make the new deadline March 25, 2019.
- 9       **4. Dispositive Motions.** The current deadline for filing dispositive motions is April 24,  
10       2019. The parties do not seek an extension of this deadline.
- 11       **5. Interim Status Report:** The deadline to file the Interim Status Report was January 24,  
12       2019. Since that date has now passed, the parties do not seek an extension of this  
13       deadline.
- 14       **6. Pre-Trial Order.** The current deadline to file the Joint Pretrial Order is make May 24,  
15       2019, unless otherwise suspended under LR 26-1(b)(5). The parties do not seek an  
16       extension of this deadline. In the event dispositive motions are filed, the deadline for  
17       filing the joint pre-trial order shall be suspended until 30 days after the decision on the  
18       dispositive motions or until further order of the court.

19       IT IS SO STIPULATED.

20       Dated: March 4, 2019

21       AKERMAN LLP

22  
23  
24       /s/Tenesa S. Powell  
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Dated: March 4, 2019

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IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: March 5, 2019